

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMADO BETANCOURT REYES,

Defendant.

No. 2:96-cr-0407 KJM

ORDER

Defendant Amado Betancourt Reyes, proceeding pro se, has filed a motion for reconsideration of this court's November 13, 2015 order denying his motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2), ECF No. 182. In his motion for reconsideration, defendant contends that Amendment 782 lowered his base offense level to 34 and, accordingly, the bottom of his sentencing guideline range to 235 months. *See* ECF No. 182 at 3. Defendant asks the court to reconsider his sentence in light of certain factors set forth in 18 U.S.C. § 3553(a).

Defendant's assertion that Amendment 782 lowered his base offense level to 34 is incorrect. As the court found in its November 13, 2015 order, Amendment 782 did not change the base offense level for the quantity of drugs involved in defendant's commitment offense. The base offense level for the quantity of drugs involved in defendant's commitment offense was 34 in 1997, when he was sentenced, and remained at 34 in 2014, unaffected by Amendment 782.

1 See ECF No. 181 at 3.¹ Defendant's guideline sentencing range was therefore unaffected by
2 Amendment 782. *See id.* In part relevant here, on a motion to reduce sentence based on
3 Amendment 782, the court only looks at § 3553 factors if the amendment lowered the applicable
4 guideline sentencing range, *See U.S. v. Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013). Because
5 defendant's guideline range was not affected by the amendment, the § 3553 factors play no role in
6 resolution of his motion to reduce his sentence.

7 For the reasons set forth in the court's November 13, 2015 order, Amendment 782 did not
8 authorize a reduction in movant's sentence. Defendant's motion for reconsideration must
9 therefore be denied.

10 In accordance with the above, IT IS HEREBY ORDERED that defendant Amado
11 Betancourt Reyes' December 28, 2015 motion for reconsideration is denied.

12 DATED: February 2, 2016

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15 UNITED STATES DISTRICT JUDGE
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28 ¹ Defendant also received a two level increase in his base offense level for obstruction of justice.
ECF No. 179 *SEALED* at 6.